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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF YUMA

In the Matter of:

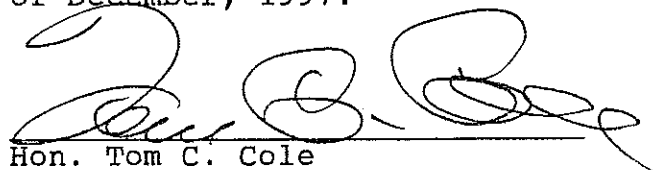
DOCUMENT STORAGE AND RETRIEVAL
FUND

] Administrative Order
] No. 97-44
]
]

Pursuant to the request of Beverly Frame, Clerk of the Superior Court of Yuma County, State of Arizona and Arizona Revised Statute §12-284.01(C) and in accordance with Chapter 79, House Bill 2102,

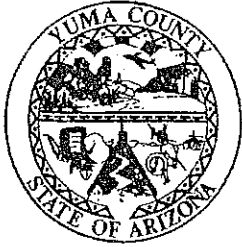
IT IS HEREBY ORDERED that the Clerk of the Superior Court of Yuma County, State of Arizona, is authorized to assess \$15.00 on all filing and appearing fees pursuant to A.R.S. §12-284.01C.

DATED this 29th day of December, 1997.


Hon. Tom C. Cole
PRESIDING JUDGE

Copies to:

Clerk of the Superior Court
Steve Gallaher, Court Administrator



Yuma County
Yuma, Arizona

OFFICE OF THE
CLERK OF THE SUPERIOR COURT
168 S. 2nd Avenue
Yuma, Arizona 85364
Phone (520) 329-2164
T.D.D. (520) 329-2052

BEVERLY FRAME
Clerk of Superior Court

SUZANNE QUINN
Chief Deputy

TO: Honorable Tom C. Cole
Presiding Superior Court Judge

FROM: Beverly Frame *Beverly*
Clerk of Superior Court

SUBJECT: Document Storage and Retrieval Fund
A.R.S. 12-184.01C

DATE: October 31, 1997

M E M O

Effective January 1, 1998 the Clerk of Superior Court shall implement pursuant to Chapter 79 House Bill 2101 the new court fees and surcharges as enacted this session by the legislature. Pursuant to A.R.S. 12-284.01C the presiding judge of the superior court may assess each person required to pay a filing or appearance fee under such article or sections an additional fee of not to exceed FIFTEEN dollars.

It is requested that you entered an administrative order for this court assessing the increase in the Document Storage and Retrieval Fund. Attached please find portions of House Bill 2101, Arizona Supreme Court's Fact Sheet regarding new legislation and a copy of Yuma County Superior Court Administrative Order 94-14 regarding the last increase to this fund.

Thank you for your consideration of this matter. I will be available to meet with you regarding this matter if you have any questions or concerns.

1 13-3602, SUBSECTION I OR IN AN INJUNCTION AGAINST HARASSMENT ACTION IF THE
2 DEFENDANT REQUESTS A HEARING PURSUANT TO SECTION 12-1809, SUBSECTION G.

3 J. A PERSON WHO FILES A REGISTRAR'S ORDER PURSUANT TO SECTION 12-1166.06 SHALL NOT BE CHARGED A FEE.

4 *CONCILIATION* K. EXCEPT FOR MONIES THAT ARE COLLECTED PURSUANT TO SUBSECTIONS C, D,
5 *INTOS Fund* E AND F OF THIS SECTION, THE CLERK OF THE SUPERIOR COURT SHALL TRANSMIT
6 MONTHLY TO THE COUNTY TREASURER ALL MONIES COLLECTED PURSUANT TO THIS SECTION
7 FOR DISTRIBUTION OR DEPOSIT PURSUANT TO SECTION 12-284.03.
8

9 Sec. 15. Section 12-284.01, Arizona Revised Statutes, is amended
10 effective from and after December 31, 1997 to read:

11 12-284.01. Document storage and retrieval conversion fund;
12 purpose

13 A. A document storage and retrieval conversion fund for the clerk of
14 the superior court is established consisting of monies received pursuant to
15 subsection C of this section.

16 B. Except as provided in section 12-284.02, the clerk of the superior
17 court shall administer the fund. The clerk, in coordination with the
18 presiding judge, shall expend monies in the fund, subject to approval by the
19 county board of supervisors, in order to defray the cost of converting and
20 maintaining the clerk's document storage and retrieval system to
21 micrographics or computer automation. The monies collected pursuant to
22 section 12-284.02, subsection B shall be used to improve access to court
23 records.

24 C. In addition to the filing or appearance fee charged pursuant to
25 chapter 3, article 2 of this title or section 12-1705, ~~25-303 or 25-311.01,~~
26 the presiding judge of the superior court may assess each person required to
27 pay a filing or appearance fee under such article or sections an additional
28 fee of not to exceed ~~ten~~ FIFTEEN dollars. All monies received from the
29 additional fee pursuant to this subsection shall be transmitted to the county
30 treasurer and placed in the document storage and retrieval conversion fund
31 for the clerk of the superior court.

32 ~~D. The additional fees required pursuant to subsection C of this~~
33 ~~section are exempt from sections 12-305 and 38-810.~~

34 ~~E.~~ D. The clerk shall annually submit to the presiding judge the
35 amount of projected revenues to be raised for the document storage and
36 retrieval conversion fund pursuant to this section. If projected revenues
37 of the fund are deemed insufficient to pay for conversion costs, fund monies
38 may accumulate until sufficient monies are available in the fund.

39 Sec. 16. Section 12-284.02, Arizona Revised Statutes, is amended
40 effective from and after December 31, 1997 to read:

41 12-284.02. Electronic filing and access; fee

42 A. The presiding judge of the superior court may provide for the
43 electronic filing of documents and electronic access to superior court
44 records, pursuant to rules adopted by the supreme court.

FACT SHEET

COURT FEES AND SURCHARGES

CHAPTER 79 HOUSE BILL 2102

PURPOSE

To simplify the current civil filing fee collection and distribution system, increase fees to provide necessary funding for court automation and to provide increased funding for the Domestic Violence Shelter Fund.

PROVISIONS

General Information

§8-230.01, §8-241, §12-113, §12-115, §12-116, §12-119.01, §12-119.02, §12-134, §12-284, §12-284.01, §12-284.02, §13-901, §22-281, §22-284, §22-404, §22-408

- Unless otherwise specified, the effective date of the provisions in this law is **January 1, 1998.**
- Establishes new "base" civil filing fees for the Supreme Court, Court of Appeals, Superior Court, justice courts and municipal courts. (Refer to new filing fee schedules for specific information.)
- Increases the time payment fee from \$12 to \$20.
- Specifies that \$7 instead of \$3 of the increased time payment fee is to be kept by the court collecting the fee and that \$11 instead of \$7 of the fee is to be deposited into JCEF. The remaining \$2 of the fee continues to be dedicated to the County Public Defender Training Fund.
- Repeals the increase and revised distribution of the time payment fee on January 1, 2000.
- Reduces the per-page copy fee from \$1.00, plus the 15% JCEF surcharge, to a **total** of \$0.50.

Appellate Court Information

§12-119.01, §12-120.31, §38-810

- Specifies a percentage-based formula for the State Treasurer to use to distribute the civil filing fee monies collected by the Supreme Court and Court of Appeals.
- Requires 8.36 percent of all civil filing fee revenues collected by the Court of Appeals to be retained by the Court for the purpose of improving the Court's ability to collect and manage monies and process cases and to enhance automation.
- Directs the Clerk of the Court of Appeals to submit an expenditure plan to the Supreme Court for its approval prior to expending any of the retained civil filing fee monies.
- Directs the Clerk of the Supreme Court and Clerk of the Court of Appeals to transmit monthly to the State Treasurer all monies collected from civil filing fees.
- Specifies that the portion of funding for the Elected Officials' Retirement Plan currently provided by various percentages of all fees, excluding those specifically exempted in statute, collected by the Supreme Court, Court of Appeals and Superior Court will instead be provided by a single percentage of all filing fee revenue, without exceptions, collected by these courts.

Superior Court Information

*§8-135, §8-550.01, §12-135, §12-284, §12-284.01, §12-284.03, §12-305,
§25-303, §25-311.01, §36-3002, §38-810, §41-2402*

- Requires the Clerk of the Superior Court to transmit monthly all civil filing fee revenues to the county treasurer for percentage-based distribution pursuant to A.R.S. §12-284.03.
- Increases the maximum Document Storage and Retrieval Conversion Fund fee the Presiding Judge of the Superior Court may assess against all parties filing a civil action from \$10 to \$15.
- Directs that 7.51 percent of the filing fee monies collected by the Clerk of the Superior Court and transmitted to the county treasurer for general distribution is to be kept and used by the court collecting the monies in the same manner as the portion of the time payment fee kept and used by the collecting court pursuant to A.R.S. §12-116.

- Specifies that the portion of funding for the Drug and Gang Enforcement Account currently provided by the dedication of 2 percent of all filing fees collected by the Superior Court, excluding those specified in statute, to the Account will instead be provided by 1.31 percent of all filing fees, without exceptions, collected by the Superior Court.
- Transfers the statutory provisions regarding the \$50 conciliation court fee applied to actions for annulment, dissolution of marriage and legal separation from Title 25 to Title 12. A.R.S. §25-303 and §25-311.01 are repealed.
- Creates a new section of statute (A.R.S. §12-284.03) specifying the percentage-based distribution formula the county treasurer is to use to distribute Superior Court filing fee revenues to the various recipients. The formula is intended to keep recipients revenue neutral.
- Directs that the Clerk of the Superior Court is to transmit 75 percent of all monies collected for subsequent case filing fees for ~~post-adjudication petitions in domestic relations cases~~ to the county treasurer for deposit in the Expedited Child Support and Visitation Fund. The remaining 25 percent is to be transmitted to the county treasurer for general percentage-based distribution pursuant to A.R.S. §12-284.03. Clarifies that the \$15 fee charged for the funding of domestic relations education and mediation programs is not part of this distribution.
- Specifies that 50 percent of the monies collected by the Clerk of the Superior Court for child support handling fees shall be distributed by the county treasurer to the various recipients of filing fee revenues pursuant to A.R.S. §12-284.03.
- Clarifies in the Superior Court fee section of statute that a person who files a registrar's order shall not be charged a filing fee.
- Specifies that the portion of funding for the County Law Library Fund currently provided by two separate percentages of total Superior Court filing fee revenues, excluding those specifically exempted in statute, will instead be provided by 8.42 percent of all filing fee revenues, without exceptions, collected by the Clerk of the Superior Court.
- Specifies that the portion of funding for the Elected Officials' Retirement Plan currently provided by various percentages of all fees, excluding those specifically exempted in statute, collected by the Supreme Court, Court of Appeals and Superior Court will instead be provided by a single percentage of all filing fee revenue, without exceptions, collected by these courts.

- Expands the purposes for which monies in the Defensive Driving School Fund may be expended, beginning July 1, 1998, to include continuing education of limited jurisdiction court personnel and to expedite the processing of **all** cases handled by the limited jurisdiction courts.
- Conforms the section numbering of the statutes related to the Defensive Driving Program with the provisions of the Title 28 recodification.

final.fee

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SEVE...
CLERK OF SUPERIOR COURT
YUMA, ARIZONA 85364

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YUMA

In Re:

DOCUMENT STORAGE & RETRIEVAL
FUND.

Administrative Order
No. 94-14

In accordance with Senate Bill 1017 and effective July 17,
1994,

IT IS ORDERED that the Clerk of Superior Court is authorized
to assess \$10.00 on all filing and appearance fees pursuant to
A.R.S. §12-284.01C.

Done in Open Court, July 13, 1994.


Presiding Judge

ao94-14.doc